

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

KATHLEEN L. RAY,

Plaintiff,

v.

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR FFMLT
TRUST
2005-FF8, MORTGAGE PASS-
THROUGH, *et al.*,

Defendants.

Case No. 2:12-CV-581-KLD-CWH

ORDER

Before the Court is the Motion to Expunge (#30) filed by Defendant Deutsche Bank National Trust Company. Plaintiff has filed an opposition (#32) and Defendant has filed a reply (#33).

Plaintiff originally filed a case in state court relating to the property at issue in this action. That case made its way to the Nevada Supreme Court which affirmed dismissal. Ray v. Deutsche Bank National Trust, 2012 WL 516013 (Nev. Feb. 15, 2012).

After her unsuccessful attempt in state court, Plaintiff filed this case, as well as a lis pendens. On September 17, 2012, the Court entered an Order (#24) granting summary judgment in favor of Defendant based on res judicata. Plaintiff filed her notice of appeal on September 18, 2012 (#26). On October 1, 2012, Plaintiff recorded another lis pendens purporting to relate to the Notice of Appeal.

1 NRS § 14.010 allows a Notice of Pendency or a Lis Pendens to be filed for an action pending
2 in the United States District Court for the District of Nevada when there is “a notice of an action
3 affecting real property, which is pending,” in any such court. NRS § 14.010(2).

4 On January 15, 2013, the Ninth Circuit affirmed the Court’s judgment and dismissed
5 Plaintiff’s appeal. Accordingly, since there is no pending litigation, the Motion is granted.

6 **IT IS HEREBY ORDERED** that Defendants’ Motion to Expunge Lis Pendens (#30) is
7 **GRANTED.**

8 **IT IS FURTHER ORDERED** that the Lis Pendens on the Property is cancelled, released,
9 and expunged.

10 DATED this 19th day of February 2013.

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14 Kent J. Dawson
United States District Judge